IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4350 of 2005

Between:

M. Prabhaker S/o Govind, E.No.58648
R/o Qr.No. 62, NGo's Colony Hanumakonda,

Warangal District

..... PETITIONER

AND

1 A.P. State Road Transprot Corporation Ltd.,

rep by Managing Director, Mucheerabadm Hyderabad
2 A.P. State Road Transport Corporation Ltd.,

rep by Depot Manager, Hanumakonda Depot, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ, order or Direction, particularly one in the nature of Writ of Mandamus, declaring the issuance of Charge sheet dated 26-02-2005 vide proceedings 03/197(1)/2005-HNK and keeping under suspension is as illegal, unjust contrary to law and in violation of Article 14, 16 and 21 of the Constitution of India and grant all the consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent Nos.1 and 2: SMT.P.RAJANI REDDY

The Court at the stage of admission made the following:

ORDER:

Declaring the issuance of charge sheet dated 26.02.2005 vide proceedings No.03/197(1)2005-HNK and keeping the petitioner under suspension, as illegal and arbitrary, the present writ petition is filed.

For having slept in duty hours at about 00.30 hours on 24.02.2005 during night shift, which results in neglecting of duties and caused dislocation of maintenance of tyres, a charge memo was issued to the petitioner. At the same time, the petitioner was placed under suspension by the respondent Corporation.

A specific plea has been taken by the petitioner that there was a tea break from 00.00 hours to 00.30 hours. According to the learned standing Counsel for the respondents, the tea break is from 00.30 hours to 00.45 hours.

Even accepting the contention of the respondents, the questioned hour shown in the charge sheet is starting of tea break hour. The charge is vague in the absence of time from how long the petitioner slept over in his duty hours and caused dislocation of maintenance of tyres.

Therefore, the impugned order dated 26.02.2005, in so far as the petitioner's suspension is concerned, is set aside. This Order does not preclude the respondents to conduct departmental enquiry against the petitioner in accordance with rules and regulations.

With the above observations, the Writ Petition is allowed. No order as to costs.

Dated: 10.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue CC by 14.03.2005

B/o

Dsr

To:

1. The Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Depot Manager,

APSRTC, Hanumakonda Depot,

Warangal District

3. Two CD copies

*Form-NIC-OGS/WP{**TRT**}*